

17.4.2026
Ct. no.6
D/L.10
Samarpita

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
(Appellate Side)

C.O. 1164 of 2026

Ratul Chatterjee @ Ratul Chattopadhyay
Vs.
Arun Kumar Chatterjee & Ors.

Mrs. Dipanwita Ganguly,
Mrs. Susmita Chatterjee,
Ms. Arpita Chakraborty,
Ms. Masum Tarafdar
... for the Petitioner/plaintiff

Mr. Sukumar Bhattacharyya,
Mr. Subhangi Bhattacharya
... for the opposite parties

1. Affidavit of service filed today by the petitioner is taken on record.
2. This revisional application lays challenge to two (02) orders dated March 2, 2026 and March 18, 2026, passed by the learned Civil Judge (Junior Division), 2nd Court at Serampore, Hooghly in Title Suit No. 74 of 2000.
3. By the order dated March 2, 2026, the petitioner's application for acceptance of written statement has been rejected and by the order dated March 18, 2026, the petitioner's application for amendment of the written statement filed earlier has been dismissed.

4. Title Suit No. 74 of 2000, has been filed by the opposite parties for eviction of a club, namely, 'Serampore 8 er Pally Club' and its office bearers.
5. In the said suit, the petitioner herein has been impleaded as a party, since the petitioner is the President of the defendant no. 1 in the suit and the erstwhile President who had been arrayed as the defendant no. 2 in the suit expired.
6. Upon the petitioner being impleaded as a party to the suit, the petitioner filed an application for acceptance of a fresh written statement that the petitioner wished to bring on record. Such application was rejected by the order dated March 2, 2026. The petitioner then filed an application for amendment of the already existing written statement which also got rejected by the order dated March 18, 2026. Hence this revisional application.
7. Mrs. Ganguly, learned advocate appearing for the petitioner assisted by Mrs. Chatterjee, submits that, once the petitioner has been impleaded as a party to the suit, the petitioner's right to file written statement

could not have been lightly brushed aside by the learned Trial Court.

8. It is further submitted that since the petitioner wished to bring the subsequent events as regards the property in the suit before the learned Trial Court by way of an application for amendment of the written statement, the same ought not to have been rejected by the learned Trial Court by the order impugned.
9. Mr. Bhattacharyya, learned advocate appearing for the opposite parties submits that the suit is one of the year 2000.
10. It is submitted that the petitioner has been impleaded as a party to the suit only because of the erstwhile President of the defendant no. 1 having breathed his last. The suit has been instituted for eviction of licensees and as such the written statement already on record on behalf of all the defendants could in any case not have been detracted from by the petitioner merely because, of the petitioner being freshly impleaded. He submits that the stand already taken by the predecessor in office of the petitioner would remain the same.

11. It is further submitted that the suit is at the stage of evidence and the defendant's witnesses are being examined. It is submitted that in such view of the matter, amendment of the written statement could not have been allowed by the learned Trial Court upon commencement of trial without there being any satisfactory ground therefor.
12. Heard learned advocates appearing for the respective parties and considered the material on record.
13. It is evident that the suit is one for eviction of licensees. The defendant no. 1 is a club and all the other defendants are office bearers of the club and are therefore, associated with the club. The defence already taken by the club and the other defendants who are office bearers of the club at the point of time when the suit was instituted is already on record by way of a written statement. In such view of the matter there is sufficient force in the submission of Mr. Bhattacharyya, that the subsequent written statement by the petitioner who is the successor in office of the President of the defendant no.1 was clearly unnecessary, unless very good grounds were shown.

14. There is nothing on record to indicate that the petitioner indicated any compelling reason for filing either an additional written statement or a fresh written statement.
15. Similarly the application for amendment of the already existing written statement, also does not show why the said amendment has become necessary at a stage after commencement of trial (when the defendants witnesses are being examined).
16. The application does not reveal that the petitioner's predecessor in office could not have brought on record the aforesaid material, by way of amendment prior to the commencement of trial despite exercise of due diligence. Merely because the petitioner has been impleaded upon devolution of interest, he cannot claim amendment of written statement as a matter of right without explaining why the said events were not brought on record by the petitioner's predecessor in office. The petitioner's addition/impleadment is only due succession to an office. In such view of the matter, this Court does not find any error, far less any jurisdictional error in the orders impugned.

17. For all the reasons aforesaid the orders impugned are not interfered with. **CO 1164 of 2026** stands **dismissed**. No costs.
18. Since the suit is of the year, 2000, the learned Civil Judge (Junior Division), 2nd Court at Serampore, Hooghly is requested to expedite the hearing of the suit and dispose of the same as expeditiously as possible and preferably within a period of six (06) months from the next date fixed without granting any unnecessary adjournment to any of the parties.
19. Urgent photosat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Om Narayan Rai, J.)